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8/18/1954 Sheppard indicted, jailed again: Jury weighs evidence 40 minutes and acts

Cleveland Plain Dealer

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Expected high today 80, low
tonight 64. See Page 24.

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SHEPPARD INDICTED, JAILED AGAIN

'Premeditated Malice' in First-Degree Bill



Photo by Norbert J. Yassany

BACK TO JAIL. Dr. Samuel H. Sheppard (left) handcuffed to Deputy Sheriff Carl Rossbach, is shown as he was driven away from his father's home toward County Jail.

More Photos on Picture Page.

JURY WEIGHS EVIDENCE 40 MINUTES AND ACTS

Deputies Cut Short Freedom Won Monday as Corrigan Protests; Arraignment Is Friday; Move to Shift Fall Trial Looms

BY TODD SIMON

Dr. Samuel H. Sheppard was locked up in his County Jail cell last night under a murder indictment with a death chair threat in it.

The state's case for a first-degree charge made the grade with at least 12 of the 15 grand jurors. They voted it 40 minutes after hearing their 15th and last witness and listening to Ohio's murder law.

Dr. Sam "unlawfully, purposely and of deliberate and premeditated malice killed Marilyn Sheppard," his wife, the indictment said.

All the hundreds of tips and the many suspects put up by Dr. Sam's family had failed to stave off this heaviest charge in the law books.

The Sheppards' \$10,000 reward, posted four days after the Fourth of July crime, had failed to bring forth a single clew to another solid suspect, police said.

Minutes after 4:30 p. m., when the vote ended, Grand Jury Foreman Bert R. Winston handed the indictment, signed by him and County Prosecutor Frank T. Cullitan, to Common Pleas Judge Arthur H. Day.

Arraignment Friday

Dr. Sam will be arraigned Friday at 9:15 a. m. unless his attorney requests some other time, Judge Day decided. That is when he will enter his plea—guilty or innocent.

Winston had come out and asked the judge and court work-

Freedom Is Costly

The 29½ hours that Dr. Sam was free on \$50,000 bail cost him and his family \$2,500, figuring on standard surety bond rates.

ers to "stand by for a minute" when the jurors had deliberated half an hour in their closed chambers.

Paper work took a while. Sheriff Joseph M. Sweeney got his copy of the indictment and his capias from Court Clerk Howard J. Reid.

Sends Out Deputies

Then he sent three deputies out to find Dr. Sam and to cut short the little freedom the suspect husband had won Monday in court.

They drove to Dr. Sam's fathers' house at 23048 West Lake Road, Bay Village, next to Bay View Hospital, and found their man eating dinner there.

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Jail Sheppard on Indictment for First-Degree Murder

(Continued From First Page)

Granting him 15 minutes more, they waited and then took him into custody. He came out of the

house handcuffed to Deputy Carl Rossbach. His brown leather jacket on his arm hid the shackles. He said nothing.

Lawyers at Jail

His lawyers, William J. Corrigan and Fred W. Garmone, were waiting at the back door of County Jail when he was brought in and booked.

"It was unnecessary to pick him up now," complained Corrigan. "He was out on bond."

That bond, so rare in capital cases, will be canceled today at 1:30 p. m. when the now-useless first-degree murder affidavit is marked "dismissed" or "nolled" by Common Pleas Judge William K. Thomas.

Corrigan said he would ask the right to bail Dr. Sam out again at the arraignment. But a high court decision in Ohio says an indictment for first-degree murder is enough "presumption" to prevent that, unless outweighed by defense evidence.

When the grand jury has spoken with an indictment, it would serve no end to seek a bindover in a magistrate's court.

Bay Solicitor Richard S. Weygandt was expected to ask that the matter be swept into the "closed" file.

Expect Corrigan Motion

That will clear the decks for the life and death court struggle over the tall, slim osteopath surgeon.

Corrigan is almost certain to ask that his client be tried for the pregnant wife's murder in some other county, court aides said.

He has charged that this community has been drenched with newspaper stories, editorials, radio and television publicity to the point where it would be impossible to get 12 citizens who could come open-minded to the jury box.

Dr. Sheppard will be tried in the next term of Common Pleas Court. After the term opens in the second week of September, a special venire will have to be called for the case. Trial may be in October.

Presiding in the criminal branch will be Common Pleas Judge Edward Blythin. Judge Day will stay on. Judge Parker Fulton will come over as the third man on that bench.

27 Blows Figured

The 27 murderous blows that killed Marilyn Sheppard in her bed—on those hinged the state's bid for a first-degree case, it was learned.

They took too long to be unintentional, it was held, and that lifted the crime above manslaughter. And the state holds that they took too long for a sudden, fiery rage.

"Somewhere along the line," one prosecutor said, "the killer

in those 40 or more seconds thought: 'I'll have to finish the job.' "

Moreover, nothing is missing from Marilyn's bedroom, so far as anyone can show, and nothing in the bedroom could be the death weapon, the prosecutors reason.

Therefore, they say, the murderer brought his bludgeon along.

McArthur Criticized

Detective Chief James E. McArthur got his knuckles rapped, figuratively, for threatening to pull out of the case again Monday.

Safety Director John N. McCormick said Cleveland would stand on its pledge to Bay Village that it would take the case and see it through. Mayor Anthony J. Celebrezze underlined that firmly.

The mayor did say that all leads in the case had been just about exhausted and that some of the 16 men putting their full time into it would now be withdrawn.

"They have done a good job under adverse conditions," said the mayor, on whose initiative Cleveland got back into the case some weeks ago.

"We have done about everything that we can do," he said. "Of course, if we get any new leads we will follow them up."

Cullitan Expects Aid

County Prosecutor Cullitan, who now is ring general of the case, said he expected, too, that he could call on Cleveland police in the inevitable work that will have to be done while the case is prosecuted.

Mrs. Jessie M. Dill, Painesville divorcee, passed a lie test early in the day and convinced detectives that she had some valuable information for the state's case.

She had said that a woman she met on the beach at Fairport Harbor early in June was Marilyn Sheppard and that this woman confided she had an unhappy marital life.

Prosecutors decided they did not need Mrs. Dill's testimony for the grand jury. She will remain among the pool of other witnesses to be drawn on at the trial.

Three baby-sitters who knew the Sheppard home were brought to the grand jury's waiting room, but were not called. They and some California witnesses are also expected to be on the subpoena list when the final court battle begins.